

of the deceased by his or her admission, or (iii) so declared by an order or decree of any court of competent jurisdiction.

*Husband* means the surviving male spouse of a deceased prisoner of war or of a deceased civilian American citizen who was married to the deceased at the time of her death by a marriage valid under the applicable law of the place entered into.

*Natural guardian* means father and mother who shall be deemed to be the natural guardians of the person of their minor children. If either dies or is incapable of action, the natural guardianship of the person shall devolve upon the other. In the event of death or incapacity of both parents, then such blood relative, paternal or maternal, standing in loco parentis to the minor shall be deemed the natural guardian.

*Parent* means:

(1)(i) The natural or adoptive father or mother of a deceased prisoner of war, or any person standing in loco parentis to such deceased person, for a period of not less than 1 year immediately preceding the date of such person's entry into active service and during at least 1 year of such person's minority. Not more than one mother and/or father as defined shall be recognized in any case. A person will not be recognized as standing in loco parentis if the natural parents or adoptive parents are living, unless there is affirmative evidence of abandonment and renunciation of parental duties and obligations by the natural or adoptive parent or parents prior to entry into active service by the deceased prisoner or war;

(ii) An award in the full amount allowable had the deceased prisoner of war survived may be made to only one parent when it is shown that the other parent has died or if there is affirmative evidence of abandonment and renunciation of parental duties and obligations by the other parent.

(2) The father of an illegitimate child will not be recognized as such for purposes of the Act unless evidence establishes that (i) he has legitimated the child by subsequent marriage with the mother; (ii) recognized the child as his by written admission prior to enlistment of the deceased in the armed forces or entry into an overseas duty

status; or (iii) prior to death of the child he has been declared by decree of a court of competent jurisdiction to be the father.

*Widow* means the surviving female spouse of a deceased prisoner of war or a deceased civilian American citizen who was married to the deceased at the time of his death by marriage valid under the applicable law of the place where entered into.

## PART 507—ELIGIBILITY REQUIREMENTS FOR COMPENSATION

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SOURCE: 52 FR 17570, May 11, 1987, unless otherwise noted.

### Subpart A—Civilian American Citizens

#### § 507.1 "Civilian American citizen" defined.

*Civilian American citizen* means any person who, being then a citizen of the United States, was captured in Southeast Asia during the Vietnam conflict

## § 507.2

by any force hostile to the United States, or who went into hiding in Southeast Asia in order to avoid capture or internment by any such hostile force.

### § 507.2 Other definitions.

*Calendar month* means the period of time between a designated day of any given month and the date preceding a similarly designated day of the following month.

*Citizen of the United States* means a person who under applicable law acquired citizenship of the United States by birth, by naturalization, or by derivation.

*Dependent husband* means the surviving male spouse of a deceased civilian American citizen who was married to the deceased at the time of her death by a marriage valid under the applicable law of the place where entered into.

*Force hostile to the United States* means any organization or force in Southeast Asia, or any agent or employee thereof, engaged in any military or civil activities designed to further the prosecution of its armed conflict against the Armed Forces of the United States during the Vietnam conflict.

*Southeast Asia* means but is not necessarily restricted to, the areas of North and South Vietnam, Laos, and Cambodia.

*Went into hiding* means the action taken by a civilian American citizen when such person initiated a course of conduct consistent with an intention to evade capture or detention by a hostile force in Southeast Asia.

### § 507.3 Rate of benefits payable.

Detention benefits awarded to a civilian American citizen will be paid at the rate of \$150 for each calendar month of internment or during the period such civilian American citizen went into hiding to avoid capture and internment by a hostile force. Awards shall take account of fractional parts of a calendar month.

### § 507.4 Survivors entitled to award of detention benefits.

In case of death of a civilian American citizen who would have been entitled to detention benefits under the

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War Claims Act of 1948, as amended, such benefits shall be awarded, if claim is made, only to the following persons:

(a) Widow or husband if there is no child or children of the deceased;

(b) Widow or dependent husband and child or children of the deceased, one-half to the widow or dependent husband and the other half to the child or children in equal shares;

(c) The child or children of the deceased in equal shares if there is no widow or dependent husband, if otherwise qualified.

### § 507.5 Persons not eligible to award of civilian detention benefits.

An individual is disqualified as a “civilian American citizen” under the Act, and thus is precluded from receiving an award of detention benefits, if such person:

(a) Voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force; or

(b) While detained, was a regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States.

## Subpart B—Prisoners of War

### § 507.10 Vietnam conflict.

*Vietnam conflict* refers to the period beginning February 28, 1961, and ending on a date to be determined by Presidential proclamation or concurrent resolution of the Congress.

### § 507.11 “Prisoner of war” defined.

*Prisoner of war* means any regularly appointed, enrolled, enlisted or inducted member of the Armed Forces of the United States who was held by any force hostile to the United States for any period of time during the Vietnam conflict.

### § 507.12 Membership in the Armed Forces of the United States; establishment of.

Regular appointment, enrollment, enlistment or induction in the Armed Forces of the United States shall be established by certification of the Department of Defense.